

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re:	: Bankruptcy No. 23-10394-PMM
John Smith and Carol Smith	: Chapter 13
Debtor	:
	:
Wells Fargo Bank, N.A., as Trustee for the	:
Structured Asset Securities Corporation Mortgage	:
Pass-Through Certificates, Series 2005-NC2 c/o	:
Select Portfolio Servicing, Inc.	:
Movant	:
vs.	:
John Smith and Carol Smith	:
Debtor/Respondent	:
and	:
Scott F. Waterman, Esquire	:
Trustee/Respondent	:

**OBJECTION TO CONFIRMATION OF THE AMENDED PLAN**

Wells Fargo Bank, N.A., as Trustee for the Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2005-NC2 c/o Select Portfolio Servicing, Inc. (“Movant”), by its attorneys, Hladik, Onorato & Federman, LLP, objects to confirmation of the Amended Chapter 13 Plan of Debtors, John Smith and Carol Smith (“Debtors”), as follows:

1. As of the bankruptcy filing date of February 10, 2023, Movant holds a secured Claim against the Debtors’ property located at 501 Deborah Drive, Reading, PA 19608 a/k/a 501 Deborah Drive, Sinking Spring, PA 19608.
2. On June 07, 2023 Movant filed an Amended Proof of Claim citing a secured claim in the amount of 218,927.22, with pre-petition arrears in the amount of \$83,601.75.
3. The Amended Plan currently proposes payment to Movant in the amount of \$0.00 for pre-petition arrears.
4. The proposed Amended Plan indicates the Debtor is attempting to obtain a Loan Modification. Movant is not opposed to Debtor completing the required paperwork and submitting financials for review for a Loan Modification, however, Movant should be paid its arrearages through the Plan at this time, if and until a loan modification placing all arrears into such a loan modification is approved.
5. The Plan fails to cure the delinquency pursuant to 11 U.S.C. § 1322(b)(5).

6. The Amended Plan violates of 11 USC § 1325(a)(5)(B)(ii) by not providing for Movant to receive the full value of its claim.

7. Movant objects to the feasibility of the Amended Plan under 11 U.S.C. § 1325(a)(6). The Amended Plan proposed by Debtor is not feasible. Movant requests that the bankruptcy case either be converted to a Chapter 7 or be dismissed pursuant to 11 U.S.C. § 1307.

WHEREFORE, Movant respectfully requests that this Honorable Court deny confirmation of the Debtors' Chapter 13 Plan.

Respectfully submitted,

Dated: 08/02/2023

/s/ Sarah K. McCaffery, Esquire  
Sarah K. McCaffery, Esquire  
Hladik, Onorato & Federman, LLP  
Attorney I.D. # 311728  
298 Wissahickon Avenue  
North Wales, PA 19454  
Phone 215-855-9521  
Fax 215-855-9121

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and	:
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Trustee/Respondent	:

**CERTIFICATE OF MAILING OF OBJECTION TO THE PROPOSED  
AMENDED PLAN TO PARTIES IN INTEREST**

I, Sarah K. McCaffery, Esquire, attorney for Wells Fargo Bank, N.A., as Trustee for the Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2005-NC2 c/o Select Portfolio Servicing, Inc. ("Movant"), certify that I served a copy of the attached Objection to the Amended Plan to the parties below on 08/02/2023:

Brenna Hope Mendelsohn, Esquire  
Via Electronic Filing  
*Attorney for Debtors*

Scott F. Waterman, Esquire  
Via Electronic Filing  
*Trustee*

John Smith  
Carol Smith  
501 Deborah Drive  
Reading, PA 19608  
Via First Class Mail  
*Debtors*

Date: 08/02/2023

Respectfully Submitted,  
/s/ Sarah K. McCaffery, Esquire  
Sarah K. McCaffery, Esquire  
Hladik, Onorato & Federman, LLP  
Attorney I.D. # 311728  
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